

## SPEAKER'S FORM

DOCKET ITEM NO. \_\_\_\_\_

PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK  
BEFORE YOU SPEAK ON A DOCKET ITEM

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Drew Carroll
2. ADDRESS: 804 Crescent Drive, Alex
- TELEPHONE NO. 703-778-1455 E-MAIL ADDRESS: dcarroll@landcarroll.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Myself
4. WHAT IS YOUR POSITION ON THE ITEM?  
 FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ OTHER: ☒
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.): Attorney
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?  
 YES ☒ NO ☐

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

## Guidelines for the Public Discussion Period

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.
- (b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.
- (c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.
- (d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.
- (e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.

## **813 Green Street Related Documents**

1. 2010 and 2011 emails Between Ms. Tabak and Ms. O'Donnell regarding vacancy of 813 Green St.
2. 9/26/2012 Carroll letter to Ms. O'Donnell regarding proof of vacancy.
3. Affidavit of Cecily Crandall with photographs. Pertains to 813 Green Street vacancy and hoarding, 6/4/2013.
4. Affidavit of Lynne Rizzo with photographs. Pertains to 813 Green Street vacancy and hoarding, 6/4/2013.
5. 9/13/2013 Carroll letter to Mayor Euille regarding history if 813 Green and City involvement.
6. 11/4//2013 Carroll letter to Mayor Euille prior to 11/05/2013 meeting with City personnel regarding 813 Green Street.
7. 11/15/2013 letter from Mr. MacRae of City Attorney's Office to Mr. Carroll explaining City actions after November 5 meeting.
8. 12/11/2013 Carroll letter to Mr. MacRae responding to MacRae letter providing background and concerns.
9. 01/09/2014 Carroll Email to MacRae.
10. 1/16/2014 MacRae letter to Carroll responding to Carroll 12/11/2013 letter and 01/10/2014 email.
11. 02/26/2014 Carroll letter to Mr. MacRae responding to 1/16/2014 letter.
12. 3/12/2014 Carroll letter to MacRae supplementing prior letter, including Dahlberg order of December 16, 2004

**F. Andrew Carroll, III, Esquire  
LAND, CARROLL & BLAIR, P.C.  
524 King Street  
Alexandria, Virginia 22314  
Tel (703) 836-1000  
dcarroll@landcarroll.com**

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11. 02/26/2014 Carroll letter to Mr. MacRae responding to 1/16/2014 letter.
12. 3/12/2014 Carroll letter to MacRae supplementing prior letter, including Dahlberg order of December 16, 2004



# **EXHIBIT 1**



**From:** kathy tabak [mailto:kathytabak@gmail.com]  
**Sent:** Tuesday, March 29, 2011 11:21 AM  
**To:** Cecily Crandall  
**Subject:** Fwd: 813 Green St.

----- Forwarded message -----

**From:** <Mary.ODonnell@alexandriava.gov>  
**Date:** Thu, Dec 9, 2010 at 9:54 AM  
**Subject:** Re: 813 Green St.  
**To:** kathy tabak <kathytabak@gmail.com>, Tim.Lawmaster@alexandriava.gov

Ms Tabak

I am sorry I have not gotten back to you sooner.

We sent a letter to the owner telling him to register and his response was to send us a letter telling us that the house is occupied, through a lawyer. Our next step is to issue a violation notice to the owner for failing to register, which I am sure he will contest. We will then have to have a trial in General District Court where you and your neighbors will have to testify. I will connect w Inspector Lawmaster over the next week to get the ticket issued to start the next phase of this process.

Mary

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**From:** kathy tabak [mailto:kathytabak@gmail.com]  
**Sent:** 12/09/2010 07:56 AM EST  
**To:** Mary O'Donnell; Tim Lawmaster  
**Subject:** 813 Green St.

Ms. O'Donnell and Inspector Lawmaster,

I am writing to you again to find out whether 813 Green St. has been registered as a "vacant building". If so, is there a registration number?

Thank you,

Kathy Tabak

811 Green St.

Alexandria VA 22314

## Dorothy Juchnewicz

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**From:** Mary Odonnell  
**Sent:** Tuesday, July 17, 2012 10:37 AM  
**To:** Dorothy Juchnewicz  
**Cc:** Myah Marshall  
**Subject:** FW: 813 Green St.

Mary Elliott O'Donnell  
Assistant City Attorney  
City of Alexandria  
301 King Street, Ste. 1300  
Alexandria, VA 22314  
(703) 746-3750  
FAX: (703) 838-4810

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**From:** Mary Odonnell  
**Sent:** Wednesday, July 13, 2011 10:37 PM  
**To:** kathy tabak  
**Subject:** Re: 813 Green St.

Ms Tabak

What facts do you rely on for your assertion that this property is blighted or a danger to you or your neighbors? To date, no such information has been provided to me. It does not appear to me to meet the definition of blight under the City Code. We discussed in November that I do not believe that a property is dangerous just because it is vacant. You and your neighbors said that you had no evidence that the property was being overwhelmed with hoarded items since it was cleared several years ago. Has new information come to your attention?

In response to the City's letter requesting registration in the vacant property registration program, the owner of the property claimed that it was occupied. You and a few of your neighbors claim it is not. To date, we have not issued a civil penalty violation ticket to the owner, due to the difficulty in proving that the property is actually vacant.

The purpose of the vacant building registration program, from my perspective, is to assure that we have a contact name to resolve problems with a vacant property. We have a contact name for this property and have used it to resolve issues. In fact, within the last six months, city staff have had unannounced contact with the owner's girlfriend at the property, which is in obvious conflict with any claim that the property is vacant.

However, several City staff met this afternoon to discuss the property and we will be getting back to you and Ms. Crandall, who has been in contact with John Catlett and my office (for FOIA requests), as I am sure you are aware, shortly.

Mary O'Donnell  
Sent from my mobile phone

On Jul 13, 2011, at 9:28 PM, "kathy tabak" <kathytabak@gmail.com> wrote:

Ms. O'Donnell,

It has now been eight months since my neighbors and I signed the affidavits in your office, attesting to the fact that 813 Green St. has not been inhabited for years. We did this because we feel that this blighted, vacant property has a high potential to damage our adjoining homes through fire, water damage, gas and electrical hazards.

Since then, I have emailed you and Inspector Lawmaster twice about the status of the vacant building registration, in March and April, but I have received no response from you, other than to say that you would get back to me at a later date.

This is a vacant property and should be registered as such. You mentioned that the owner responded through a lawyer to your request to register the property. That was in December. Was a violation notice given to the owner of the property?

What is the present status of the registration? Has it been registered by the owner? If so, when? What is the registration number?

Please send me this information as soon as possible.

Thank you,  
Kathy Tabak  
811 Green St.  
Alexandria VA 22314  
571-312-7831



# **EXHIBIT 2**



Land, Carroll & Blair PC  
ATTORNEYS AT LAW, EST. 1978

H. CARTER LAND, III  
F. ANDREW CARROLL, III  
RICHARD S. MENDELSON  
DUNCAN WARDMAN BLAIR  
MARTIN J.A. YEAGER (VA, DC, & MD)

524 KING STREET  
ALEXANDRIA, VA 22314-3104  
703-836-1000  
FAX 703-549-3335  
WWW.LANDCARROLL.COM  
DIRECT DIAL 703-778-1455  
dcarroll@landcarroll.com

September 26, 2012

Mary O'Donnell  
Assistant City Attorney  
Office of the City Attorney  
301 King Street/ 1300  
Alexandria, Virginia 22314

Re: 813 Green Street

Dear Mary:

Thank you for meeting with you last week. As promised, below I have listed information which should help to establish the vacancy of 813 Green Street. Including 813 Green Street in the vacant building registry is appropriate and necessary. To date the City has been faced with a homeowner who simply reacts to complaints. Something more is needed. On October 27, 2010 Chief Rodriguez sent Mr. Wargo, 813's owner, a letter regarding the vacancy of 813 Green Street (enclosed). Among other matters discussed in the letter, Chief Rodriguez described how an initial interior and exterior inspection was required to ensure conditions required under the Alexandria City Code, the Virginia Maintenance Code and/or Statewide Fire Prevention Code were met. Thereafter annual inspections are required. I believe such monitoring is important given the property's history.

Evidence of Vacancy:

- ▶ No lights are ever on inside or outside the home. The front porch light fixture has been broken with the bulb hanging out/unusable. In February 2012 Mr. Wargo accompanied by Mehmet Elbirlik went to 813 Green Street to respond to Code Enforcement concerns. They needed flashlights to observe the unit's condition. It appeared that no lights were ever used.
- ▶ The air conditioner has been covered and turned off since 2009. Summer heat coming from 813 that it can be felt rushing out through Ms. Crandall's closet into her bedroom.

- ▶ In 2009, in order to keep Mr. Wargo's back fence from falling down, Lee Holmen and her acquaintance installed a post in cement. For purposes of the installation of the the post, they dug a hole, removing dirt from under Ms. Crandall's shed. The dirt was tossed into a trash can behind the Wargo property. The trash can subsequently filled with water. The water and mud, along with debris left by passers-by remained that way until 2012 when Mr. Wargo emptied the trash receptacle to placed a green bag with trash in it. The trash men then took the trash can away. It has never been replaced.
- ▶ There has never been any recycling.
- ▶ New telephone books remain in the yard for weeks.
- ▶ No deliveries to the residence have been observed in the past 3 years.
- ▶ Mail service was stopped in January 2012; USPS was asked to forward mail elsewhere.
  - ▶ In Nov 2010 Lee Holmen, owners girlfriend came to address Code citation. She did not stay at residence. She did go in house briefly and removed 6 garbage bags. The bags contained old unopened mail.
  - ▶ In Feb 2012 Mr. Wargo was here to address code concerns. He removed 3 green garbage bags filled with old unopened mail.
- ▶ No water service. American Water advised my clients that over the last two quarter billings, 813 had zero water usage. Prior to that time there was some usage due, according to American Water, to a water leak. American Water was advised by the owner that there was a basement water pipe break/leak. The owner needed the water to be shut off.<sup>1</sup> American Water advised that prior to the leak requiring the shutoff, there was no water usage since 2004.
- ▶ No guests have been observed except for a Mr. Mehmet Elbirik who simply picks up flyers/phone books etc from the outside of the residence.

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<sup>1</sup> This has been a concern to Ms. Crandall and Ms. Tabak. Several weeks ago the neighborhood had water meters replaced by American Water., The water was turned back on. They are concerned that if the pipe(s) were never fixed, water could be running/leaking into the 813 with possible harm (mold, foundation damage etc.) to the neighboring units.

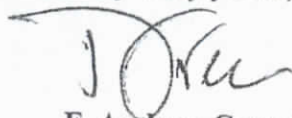


Mary O'Donnell, Esq.  
September 26, 2012  
Page Three

- ▶ There is no house number on the dwelling.
- ▶ Earthquake knocked down kitchen curtains down and they have never been fixed.
- ▶ Except for when Mr. Wargo met at 813 Green Street with Code Enforcement in the winter of 2012, Ms. Crandall and Ms. Tabak have heard no voices or noises (other than animal noises) coming from 813.
- ▶ Neither Ms. Crandall nor Ms. Tabak has heard any running water, toilets, showers etc.
- ▶ Neither Ms. Crandall nor Ms. Tabak has observed or smelled anyone cooking or grilling at 813 Green Street.
- ▶ There is no car associated with the residence (813).
- ▶ Stray and neighborhood cats congregate at 813 Green Street. It is believed they seek rodents. The cats would not gather in this fashion if the residence was occupied by humans.
- ▶ Prior neighbor, Mr. Kevin Scheid, advised City in 2004 that 813 had been vacant for years.
- ▶ Mr. Wargo, the owner, lives and works in NYC. He admitted to my clients that no one live at 813 Green Street.

Accompanying this letter are affidavits from neighbors which confirm the vacancy. It may be a good idea to subpoena that water and electric bills. Do you want me to explore that information for you?

Very truly yours,



F. Andrew Carroll, III

Enclosures

cc: Ms. Cecily Crandall  
Ms. Kathy Tabak



*City of Alexandria, Virginia*  
*Office of Building and Fire Code Administration*  
*301 King Street, Room 4200*  
*Alexandria, Virginia 22314*

Office  
703-438-4360  
Fax  
703-838-3880

[www.alexandriava.gov](http://www.alexandriava.gov)

John D. Catlett  
Director

October 27, 2010

Michael R Wargo  
813 Green St  
Alexandria VA 22314-4212

Subject: 813 Green St  
VBR2010-00029  
Vacant Building Registration

Dear Michael R Wargo:

It has come to my attention that the above subject property is vacant. Properties that are, or will be, continuously vacant for twelve-months must be registered with this office in accordance with Section 8-1-130 of the Alexandria City Code. For the purposes of this ordinance, a building shall be deemed "continuously vacant" even if it is sporadically or intermittently occupied during the twelve-month period. Failure to register a vacant building shall constitute a civil violation punishable by a civil penalty of \$50 or \$250, depending on whether the building is in a historic, rehabilitation or conservation district, or an area as designated as blighted by city council.

As the property owner, you must maintain the exterior of the building while it is vacant to include the following requirements of the Alexandria City Code (CC); the Virginia Maintenance Code (VMC) and/or Virginia Statewide Fire Prevention Code (SFPC):

- grass and weeds shall not exceed 12 inches in height on the property or along the public sidewalks, curb lines and within tree wells within 12 feet of the front property line (CC §5-9-3);
- snow and ice will be removed from the public sidewalk abutting the premises within 24 hours of the last snowfall (CC §5-5-21);
- provide proof of active rodent and insect abatement and prevention measures for the interior and exterior of the property at the time of registration and ensure that such measures remain in place for the duration that the building is vacant (CC §11-6-5 and VMC §308.1);
- accumulations or storage of trash, waste, or debris - regardless of whether generated by the property or dumped by others onto the property - shall be removed from the property (CC §11-13-4);
- building must remain secure against unauthorized entry or becoming a public nuisance (VMC §201.3 & SFPC §311.3.1);
- exterior envelope of the building must be maintained in a structurally sound and water-tight condition. Broken windows, doors, roof, gutters, down-spouts, etc. must remain in sound condition and function as intended. Peeling paint must be removed and the wood must be weather coated to prevent the entry of water (IPMC §304);
- installed fire prevention/suppression systems (fire sprinklers, fire alarms and standpipes) must be maintained in operable condition unless permission is obtained from this office to place them out-of-service. All combustibles (furniture, clothing, trash, debris, boxes, storage, etc) must be removed from the building before permission will be considered (VSFC §311.2.2).

Once the building enters the vacant building registration program, an initial interior and exterior inspection shall be conducted to ensure that above conditions are met. Annual inspections will be conducted if the building remains vacant after the initial twelve month period. The owner or a designated agent of the owner must accompany staff on the inspections. If the property remains vacant, the property owner will be notified via U.S. Mail of the upcoming anniversary of the initial registration date and the need to renew the registration and perform the annual inspection. Failure to renew the registration within fifteen days of the anniversary of the building's initial registration may result in civil penalties ranging from \$50 to \$250.

For your convenience, a registration application is enclosed. Please complete the application and return it within 15 days to the attention of:

Tim Lawmaster, Coordinator  
Vacant Building Registration Program  
301 King Street, Room 4200  
Alexandria, Virginia 22314.

Please include a check in the amount of \$25.00, made payable to the City of Alexandria. If the building is located in a historic district as established by the Zoning Ordinance of the City of Alexandria, or in any conservation or rehabilitation district established by city council, or in an area that has been declared blighted by city council, you must also include a written description of the measures that will be taken to ensure that the building does not sustain significant structural damage due to neglect while it is vacant.

Staff will not conduct regular monthly inspections of the exterior of the property. However, they may conduct pro-active inspections and/or respond to complaints received against the property. Please ensure that the emergency contact information (name and phone numbers) remain current in the event that you must be contacted for emergencies or about issues that require immediate attention.

To remove the property from the program, please call Mr. Lawmaster on 703 519-3300 x123, or the main office on 703 838-4360, to arrange for an inspection. Depending on the condition of the building, a new certificate of occupancy may be required before re-occupancy is permitted.

If you have any questions, or if you feel that you received this notice in error, please contact Mr. Lawmaster on 703 519-3300 x123.

Sincerely,

Robert B. Rodriguez, Chief Fire Marshal

enclosures: Vacant Building Registration Form

cc: Adam K. Thiel, Fire Chief  
Farrell Hamer, Director, Planning & Zoning  
Richard Baier, Director, T&ES  
John D. Catlett, Director, Code Administration  
Andrea Buchanan, Assistant Fire Marshal  
William Coates, Assistant Fire Marshal  
Russell Furr, Assistant Fire Marshal  
Timothy Lawmaster, Fire Inspector/Program Coordinator



# AFFIDAVIT

STATE OF Virginia  
CITY OF Alexandria

HAVING BEEN DULY SWORN, Cecily Anne Crandall the undersigned affiant, does hereby depose and say as follows:

I have owned my home at 815 Green Street, Alexandria, Virginia 22314 since July 30, 2009. I have lived in the aforementioned home since August 1, 2010. During this time (fifteen months), I have never seen any person, at any time, living at or in any way occupying the property located next to my property at 813 Green Street. No person, to my knowledge, has ever stayed overnight at the home nor has any person been on the property except for the exterior to address the numerous citations (for problems to the exterior of the home) that have been placed on the home by the Code Department of the City of Alexandria.

FURTHER AFFIANT SAYETH NOT.

Witness my hand under penalties of perjury this date November 1, day of Monday, 2010.

Cecily Anne Crandall  
Affiant

NOTARY'S STATEMENT

State of Virginia  
City of Alexandria

On this day personally appeared Cecily Anne Crandall who, having first been sworn, acknowledged the foregoing before me.

Michele T. Bistranski  
NOTARY PUBLIC

My commission expires: April 30, 2013





# AFFIDAVIT

STATE OF Virginia  
CITY OF Alexandria

HAVING BEEN DULY SWORN, Kathleen A. Tabak  
the undersigned affiant, does hereby depose and say as follows:

~~No one has lived at 813 Green St., Alexandria VA since~~  
~~July 25, 2009, the date that I moved into the property at 811 Green St.~~  
I have lived at 811 Green St since July 25, 2009. During this time, I have never seen any  
person, at any time, living at or in any way occupying the property at 813 Green St.  
FURTHER AFFIANT SAYETH NOT.

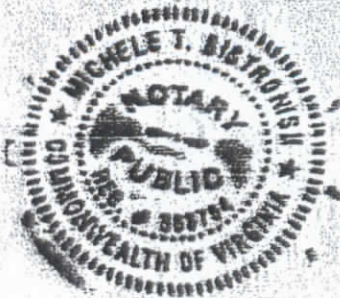
Witness my hand under penalties of perjury this date November, day of  
2010.

Kathleen A. Tabak  
Affiant

## NOTARY'S STATEMENT

State of Virginia  
City of Alexandria

On this day personally appeared Kathleen Ann Tabak who, having first been  
sworn, acknowledged the foregoing before me.



Michele Distorich  
NOTARY PUBLIC

My commission expires: April 30, 2013



# AFFIDAVIT

STATE OF Virginia  
CITY OF Alexandria

HAVING BEEN DULY SWORN, Cherry B. McConell  
the undersigned affiant, does hereby depose and say as follows:

I have lived at 823 S. Columbus St. for 15 years -  
the house has been unoccupied  
by the owner or any other person  
(at least four or more years)  
FURTHER AFFIANT SAYETH NOT.

Witness my hand under penalties of perjury this date November, day of 1,  
2010.

Cherry B. McConell  
Affiant

## NOTARY'S STATEMENT

State of Virginia  
City of Alexandria

On this day personally appeared Cherry B. McConell who, having first been  
sworn, acknowledged the foregoing before me.

Michele Distruck  
NOTARY PUBLIC

My commission expires: April 30, 2013





# AFFIDAVIT

STATE OF Virginia  
CITY OF Alexandria

HAVING BEEN DULY SWORN, BARBARA ROBINSON  
the undersigned affiant, does hereby depose and say as follows:

I, Barbara Robinson, have owned and resided  
@ 809 Queen St, Alexandria VA since June 13 2006.  
Since that date, I have not seen or known anyone  
living at or occupying the property @ 813 Queen St. This  
property has been vacant since I moved in on June 13, 2006.  
FURTHER AFFIANT SAYETH NOT.

Witness my hand under penalties of perjury this date July, day of July, 2010. 2011

Barbara Robinson  
Affiant

## NOTARY'S STATEMENT

State of Virginia  
City of Alexandria

On this day personally appeared Barbara Robinson who, having first been  
sworn, acknowledged the foregoing before me.



Michele T. Bistrone  
NOTARY PUBLIC

My commission expires: April 30, 2013

# AFFIDAVIT

STATE OF Virginia  
CITY OF Alexandria

HAVING BEEN DULY SWORN, Edward E. Wiggers  
the undersigned affiant, does hereby depose and say as follows:

I currently reside at 807 Green Street. During the  
past year, I have not seen anyone occupying the residence  
at 813 Green Street, Alexandria, Virginia.

FURTHER AFFIANT SAYETH NOT.

Witness my hand under penalties of perjury this date July, day of 30, <sup>2011</sup> 2011.

Edward E. Wiggers  
Affiant

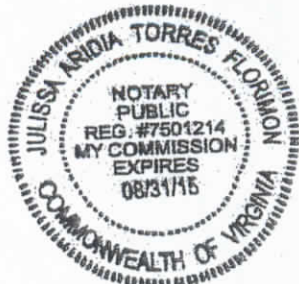
NOTARY'S STATEMENT

State of Virginia  
City of Alexandria

On this day personally appeared Edward E. Wiggers who, having first been  
sworn, acknowledged the foregoing before me.

[Signature]  
NOTARY PUBLIC

My commission expires: 8/31/15





# AFFIDAVIT

STATE OF Virginia  
CITY OF Alexandria

HAVING BEEN DULY SWORN, Ann H Zgodnik  
the undersigned affiant, does hereby depose and say as follows:

I currently reside at 807 Green Street, Alexandria, VA. During the past year, I have not seen anyone occupying the residence at 813 Green Street in Alexandria, Virginia.

FURTHER AFFIANT SAYETH NOT.

Witness my hand under penalties of perjury this date July, day of 30, <sup>2011</sup>~~2014~~.

Ann H Zgodnik  
Affiant

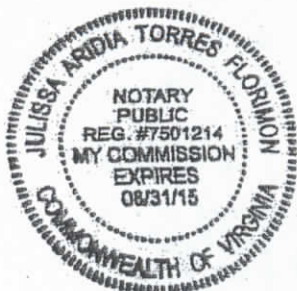
NOTARY'S STATEMENT

State of Virginia  
City of Alexandria

On this day personally appeared Ann H. Zgodnik who, having first been sworn, acknowledged the foregoing before me.

Julissa Torres  
NOTARY PUBLIC

My commission expires: 08/31/15





## AFFIDAVIT

State of Virginia  
City of Alexandria

HAVING BEEN DULY SWORN, Robert B. McConnell  
the undersigned affiant, does hereby depose and say as follows:

I have lived at <sup>825</sup>~~813~~ South Columbus Street since August 1995. The back lot line of my property is about 50 feet from the back lot line of 813 Green Street. It is my belief that the townhouse at 813 Green Street is and has been vacant and not occupied for more than five (5) years. There have been no signs of continued occupancy of that property.

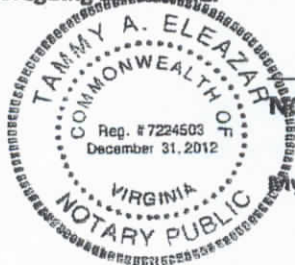
FURTHER AFFIANT SAYETH NOT.

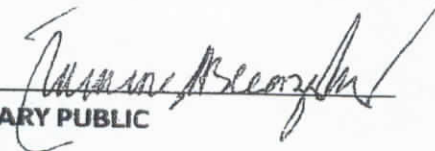
  
\_\_\_\_\_  
Affiant

## NOTARY'S STATEMENT

State of Virginia  
City of Alexandria

On this day personally appeared Robert B. McConnell who, having first been  
Sworn, acknowledged the foregoing before me.



  
\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: 12/31/2012

Hereby Certify That This Is  
A True And Exact Copy Of The  
Original Wilson Watts Nash  
Notary Public  
My Commission Expires: February 28<sup>th</sup>, 2014

## AFFIDAVIT

STATE OF Virginia  
CITY OF Alexandria



Wilson Watts Nash  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #7343675  
My Commission Expires  
February 28, 2014

HAVING BEEN DULY SWORN, Beverly J. Hunter  
the undersigned affiant, does hereby depose and say as follows:

MY RESIDENCE is 803, Green St, Alexandria Va - I have lived  
here for 22 yrs - the property at 813 Green St has been  
without occupancy, to my knowledge, since Spring 2009 until this  
date.

FURTHER AFFIANT SAYETH NOT.

Witness my hand under penalties of perjury this date Aug<sup>1</sup>, day of Aug, 2010.

Beverly J. Hunter  
Affiant

NOTARY'S STATEMENT

Commonwealth  
State of Virginia  
City of Alexandria

On this day personally appeared Beverly J. Hunter who, having first been  
sworn, acknowledged the foregoing before me.



Wilson Watts Nash  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #7343675  
My Commission Expires  
February 28, 2014

Wilson Watts Nash  
NOTARY PUBLIC

My commission expires: February 28<sup>th</sup>, 2011

# AFFIDAVIT

STATE OF Virginia  
CITY OF Alexandria

HAVING BEEN DULY SWORN, the undersigned affiant does hereby depose and say as follows:

I, Thomas Esbrook, have lived at 805 Green Street, Alexandria, VA, for 28 years. The housing property at 813 Green Street (Alex., VA) has been vacant for at least five (5) years, to my knowledge.

FURTHER AFFIANT SAYETH NOT.

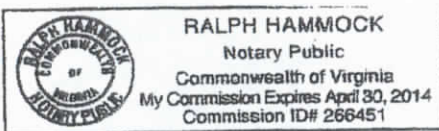
Witness my hand under penalties of perjury this date 1st, day of September, 2011.

Thomas Esbrook  
Affiant

NOTARY'S STATEMENT

State of Virginia  
City of Alexandria

On this day personally appeared THOMAS ESBROOK who, having first been sworn, acknowledged the foregoing before me.



Ralph Hammock  
NOTARY PUBLIC

My commission expires: APR 30, 2014



# AFFIDAVIT

STATE OF Virginia  
CITY OF Alexandria

HAVING BEEN DULY SWORN, the undersigned affiant does hereby depose and say as follows:

I, Jeanette Lim Esbrook, have lived at 805 Green Street, Alexandria, VA, for 28 years. The housing property at 813 Green Street (AUX., VA) has been vacant for at least five (5) years, to my knowledge.

FURTHER AFFIANT SAYETH NOT.

Witness my hand under penalties of perjury this date 1st, day of September 2011.

Jeanette Lim Esbrook  
Affiant

NOTARY'S STATEMENT

State of Virginia  
City of Alexandria

On this day personally appeared JEANETTE LIM ESBROOK who, having first been sworn, acknowledged the foregoing before me.



Ralph Hammock  
NOTARY PUBLIC

My commission expires: APR 30, 2014

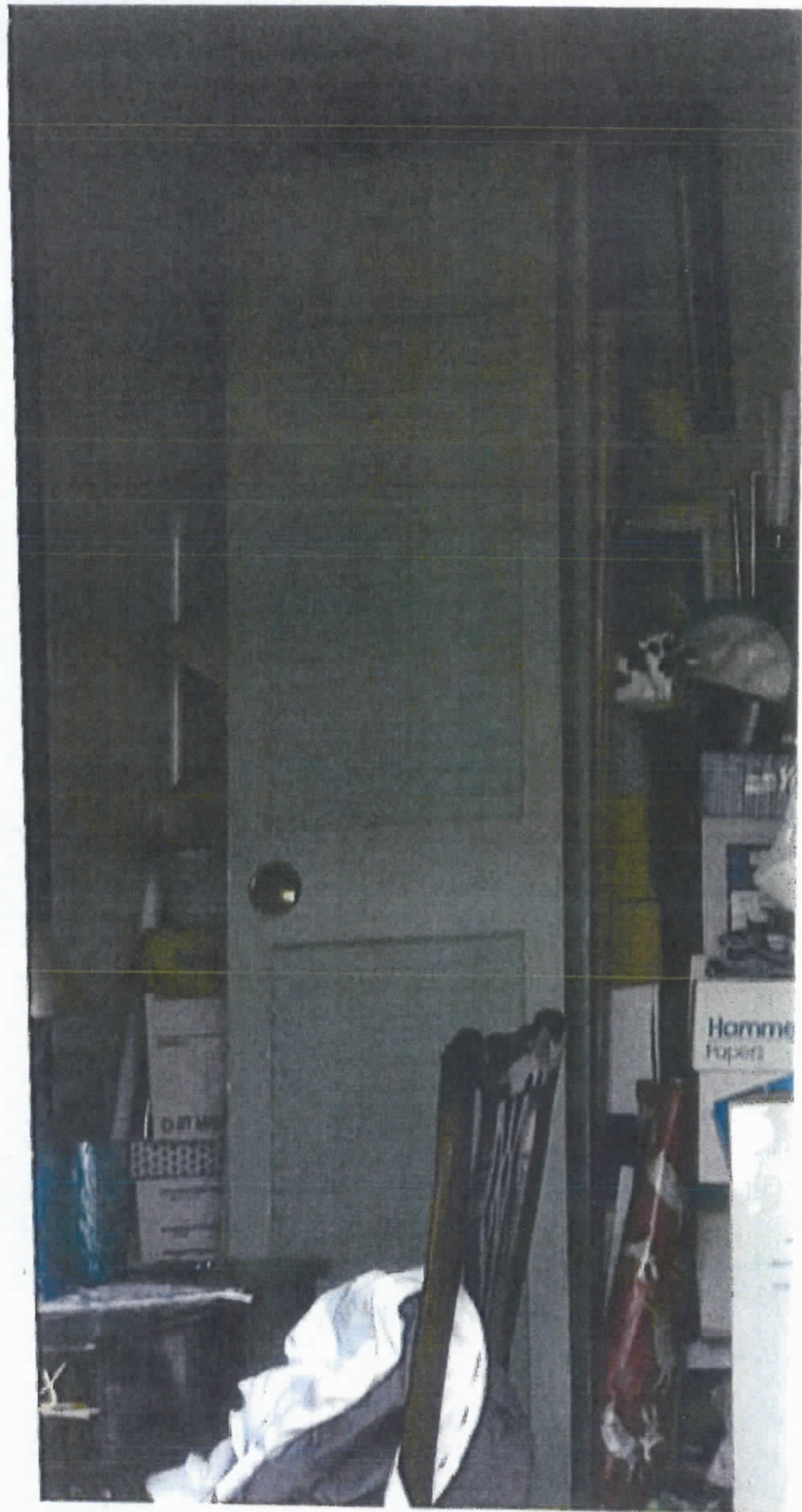
# **EXHIBIT 3**

## AFFIDAVIT OF CECILY CRANDALL

1. My name is Cecily Crandall. Since July 2009 I have lived in a townhome at 815 Green Street in the City of Alexandria, Virginia.
2. My residence abuts 813 Green Street. Since I moved into 815 Green Street no one has lived in 813 Green Street.
3. My townhome maintains a party wall with 813 Green Street. There were several openings in the wall separating the attics of the properties. From the openings I could see portions of the attic of 813 Green Street. The attic of 813 Green was filled to the rafters with boxes and other items. There was also a hole in the drywall separating 813 from 815 Green Street through which a wire protruded from 813 into 815 and then serpentine down through and between the common walls between the lower levels of the two units. I became concerned about the hole, the wire and the possibility of a fire. A Master Electrician told me the wire was a hazard and that 813 could be pulling power from my house. This view was supported by a building contractor who examined the condition.
4. I contacted Alexandria Code Enforcement and the condition was examined by Paul Abernathy in November of 2011. Mr. Abernathy observed what he deemed to be a Code violation and contacted the owner of 813 Green Street, Mr. Wargo, and required him to make repairs. Mr. Wargo hired men to make repairs. The men worked on the wall. They could be heard commenting how stuffed the attic and house were with items. When they finished they had made repairs on other openings in the wall, but failed to make repairs on the hole cited by Mr. Abernathy. The hole and exposed wire remains as it did when cited by Mr. Abernathy.
5. In late April, 2013 the owner of 811 Green Street, Kathy Tabak, and I noticed that the rear sliding door of 813 Green Street was left open to the elements. Because the gate to the backyard was locked, we could not close the door. It remained open to the elements for at least five days. While the door was opened, from our respective backyards we could see into a portion what is the dining room / kitchen area. The area appeared packed with boxes and personal items to the ceiling in most areas.
6. A neighbor, Robert McConnell, lives behind our townhomes, with a direct view into 813 Green Street. From his home one was able to look directly into the residence. The area was indeed blocked by numerous boxes and personal items. Mr. McConnell took photographs which accompany this affidavit. The photographs fairly and accurately depict the condition of the dining room / kitchen area.
7. I am aware of the photographs taken by Lynne Rizzo on May 9, 2013. Since that date I have not seen nor am I aware of actions taken to rectify the condition of 813 Green Street.
8. I affirm the truth of this affidavit.



Lyndee L. Lyne  
Notary Public

































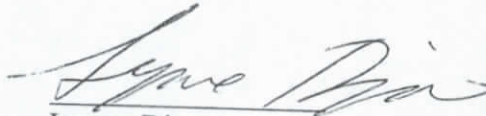




# **EXHIBIT 4**

## AFFIDAVIT OF LYNNE RIZZO

1. My name is Lynne Rizzo. I live in Alexandria (Fairfax County), Virginia. I work as a home organizer. I also remove items from cluttered homes and sell the items on E-Bay.
2. I have done work on Green Street in Alexandria and understood 813 Green Street was a vacant, junk-filled house. On May 9, 2013 I observed individuals at 813 Green Street. I knocked on the door and was let in by a man named Larry Austin who represented he was a friend of the owner's attorney. He indicated he was there to examine the condition of the house, its contents and to determine if it was habitable.
3. I explained to Mr. Austin I was working in the neighborhood and heard about the house. I advised him of my services. Mr. Austin was interested and offered to show me the house.
4. We walked throughout the entire house, inside and out. The entire house was cluttered with boxes, old furniture and junk. With Mr. Austin's permission I took photographs depicting the condition of the house and the vast amount of clutter engulfing it. I was in the house for approximately one hour.
5. Those photographs accompany this affidavit. They have been provided to the City Attorney's Office. The photographs accurately depict the condition of the house and its clutter as it existed on May 9, 2013.
6. I affirm the truth of this affidavit.

  
Lynne Rizzo


STATE OF VIRGINIA

CITY/COUNTY OF ALEXANDRIA

)  
) to Wit:  
)

I hereby certify that on this 4th day of June, 2013, before me, a Notary Public in and for the City and State aforesaid, personally appeared Lynne Rizzo, whose name is subscribed above, and affirmed under oath that the above is true and accurate to the best of her knowledge and belief.

WITNESS my hand and notarial seal:

  
Notary Public

My commission expires: Nov 30, 2014







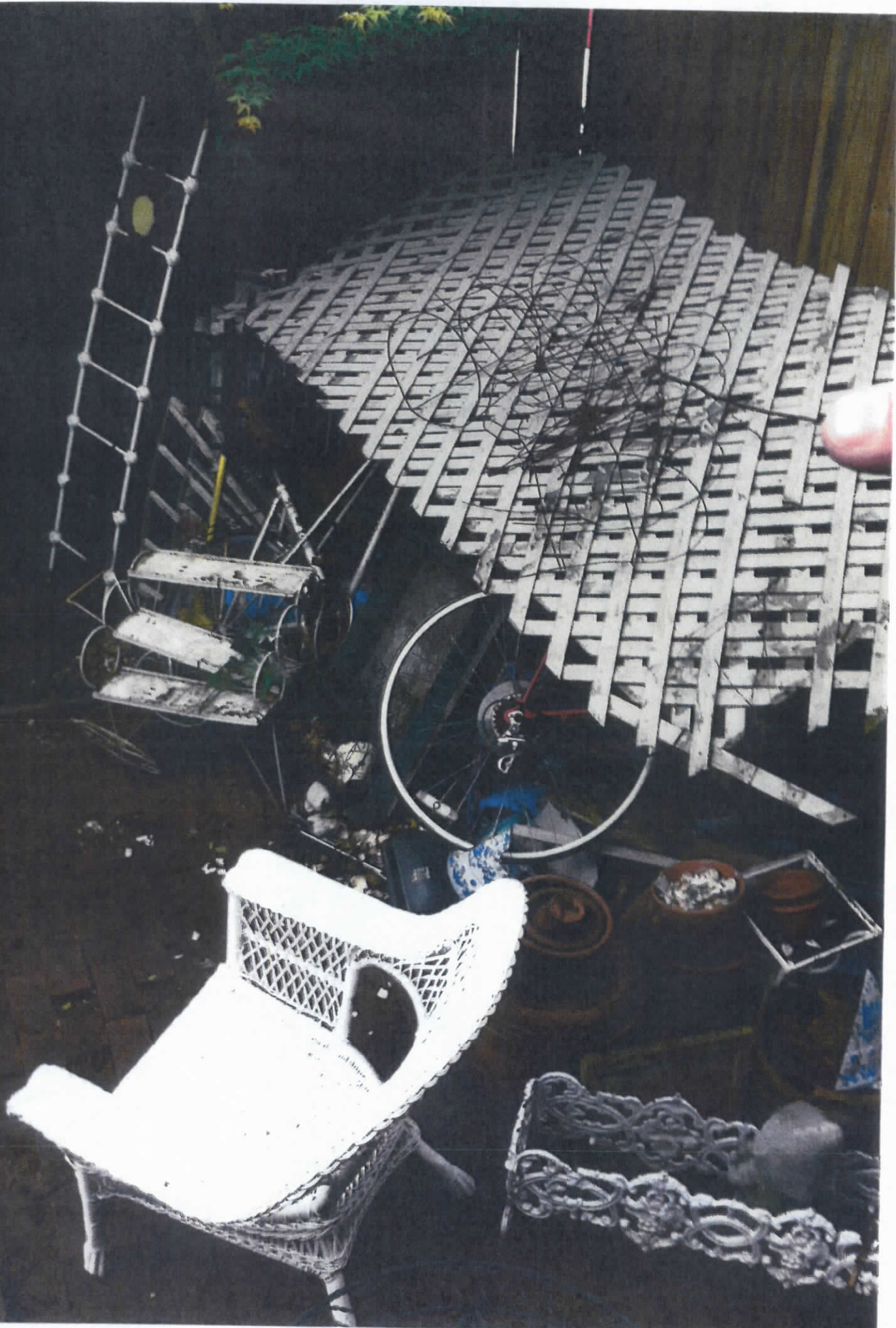












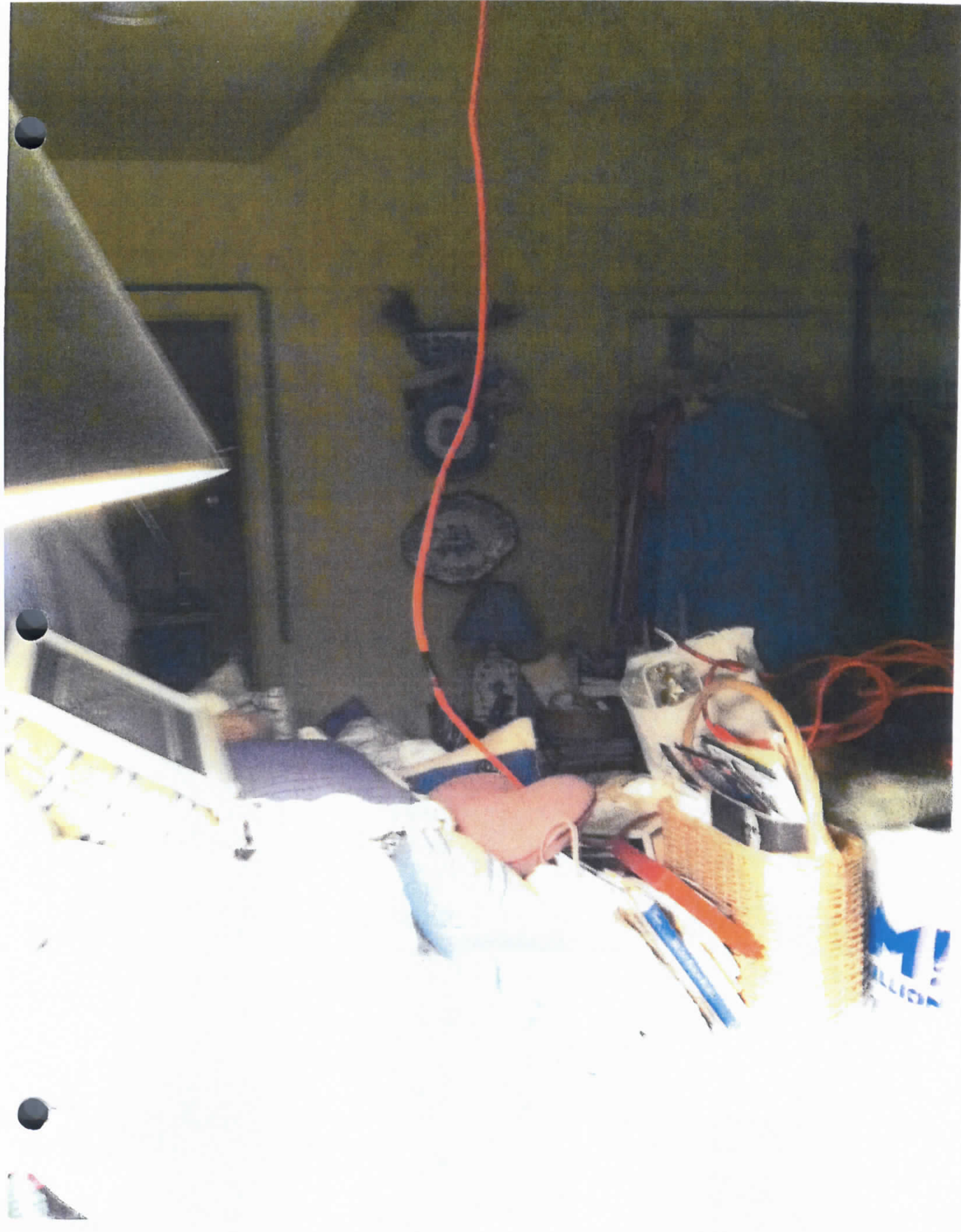












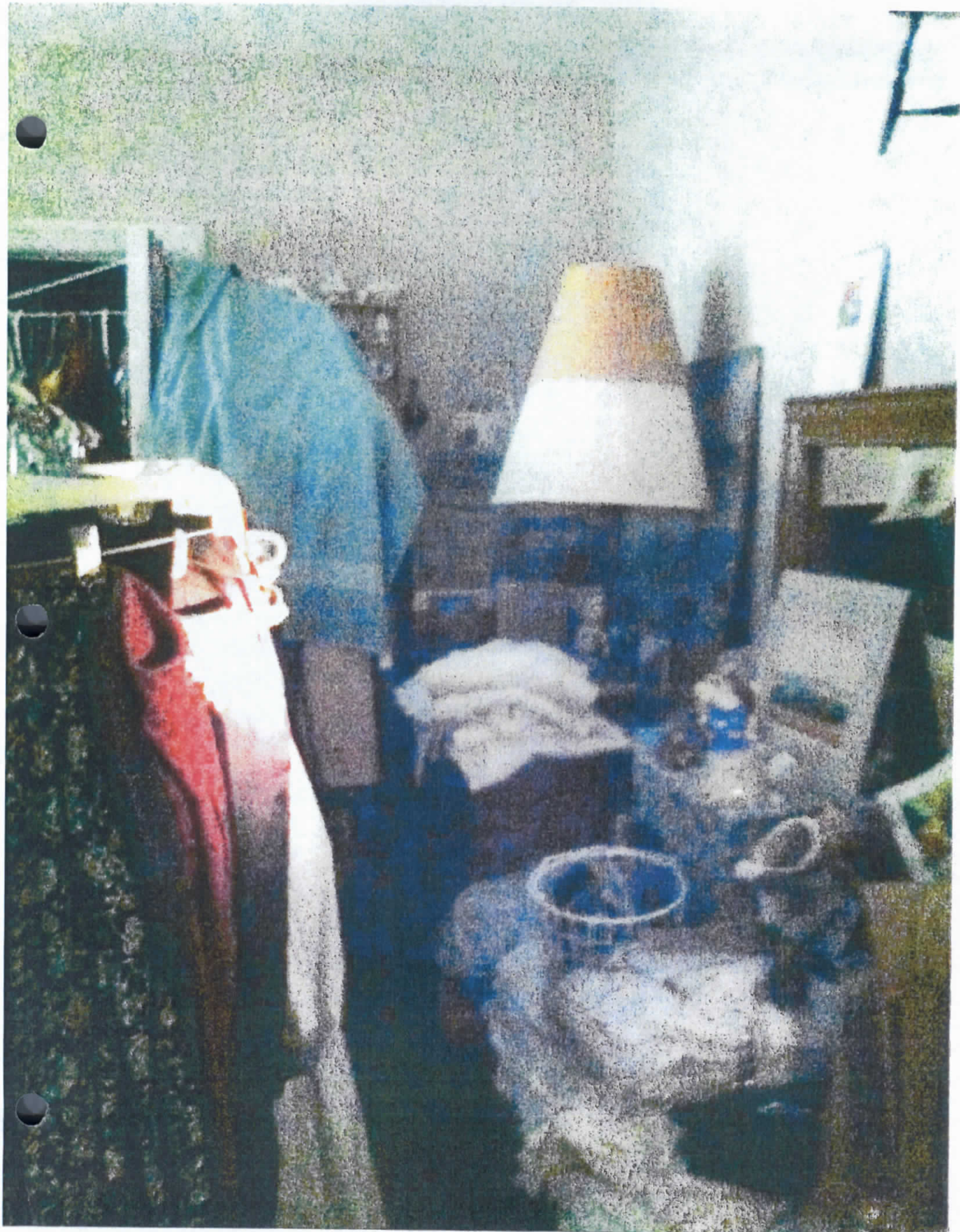








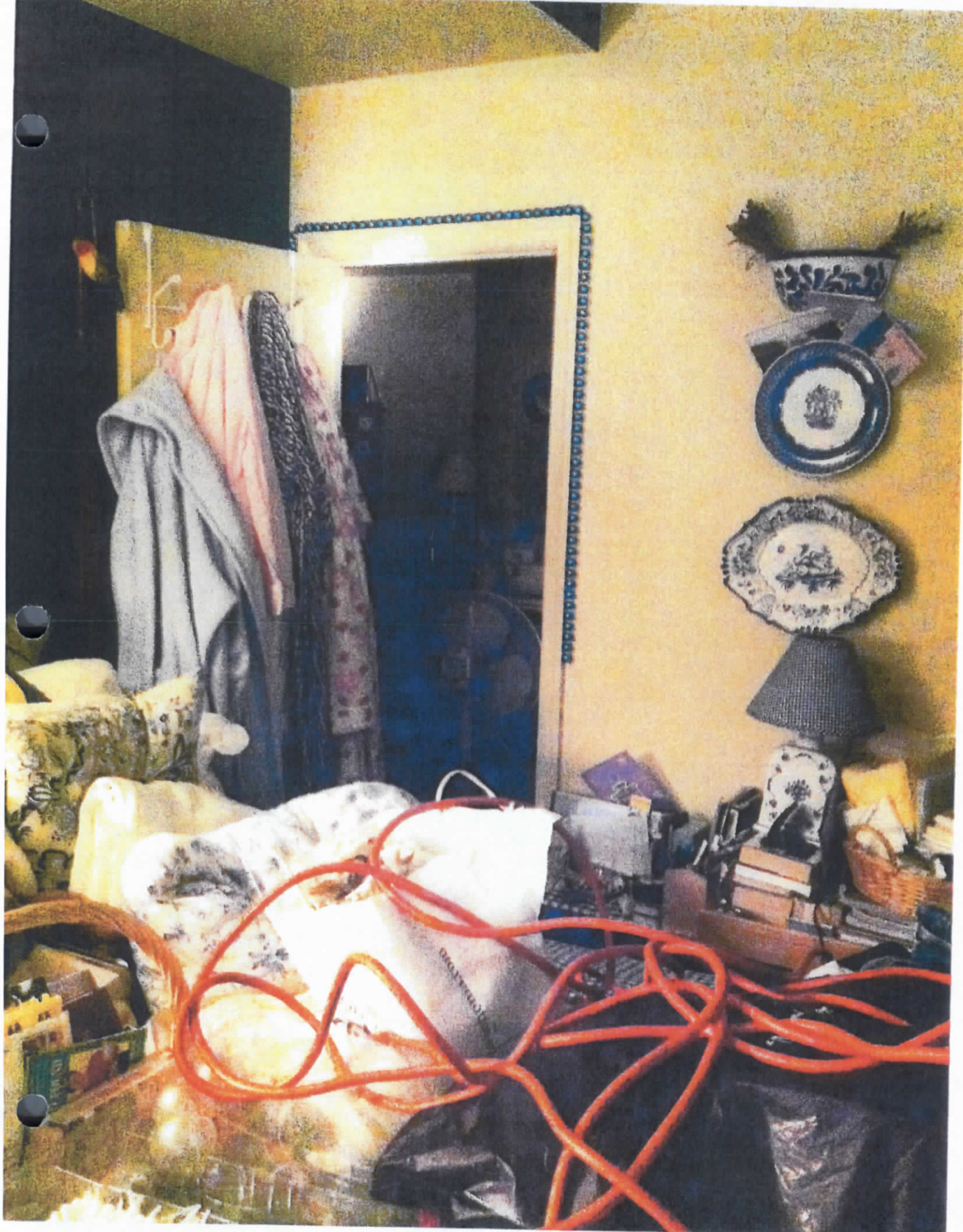








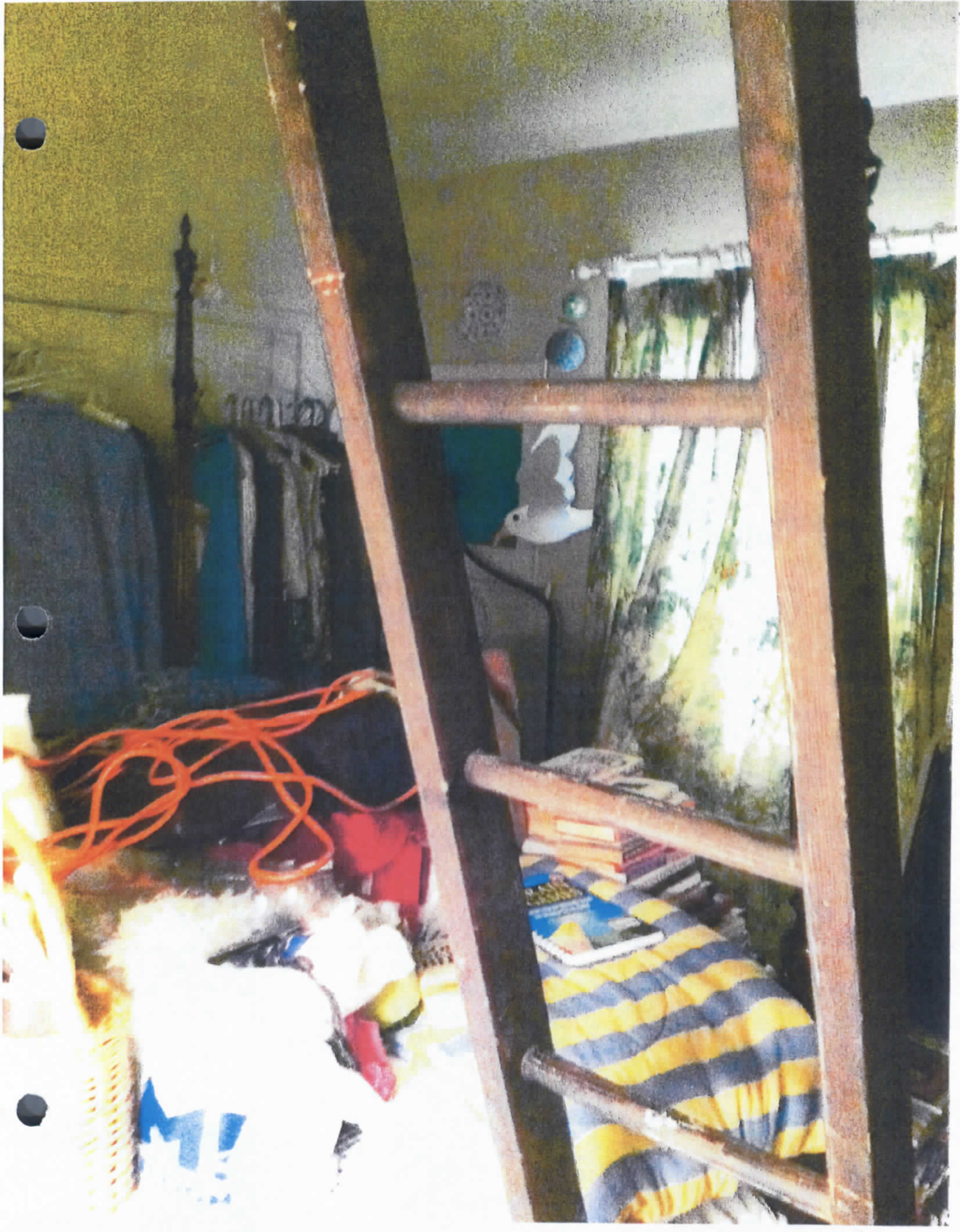




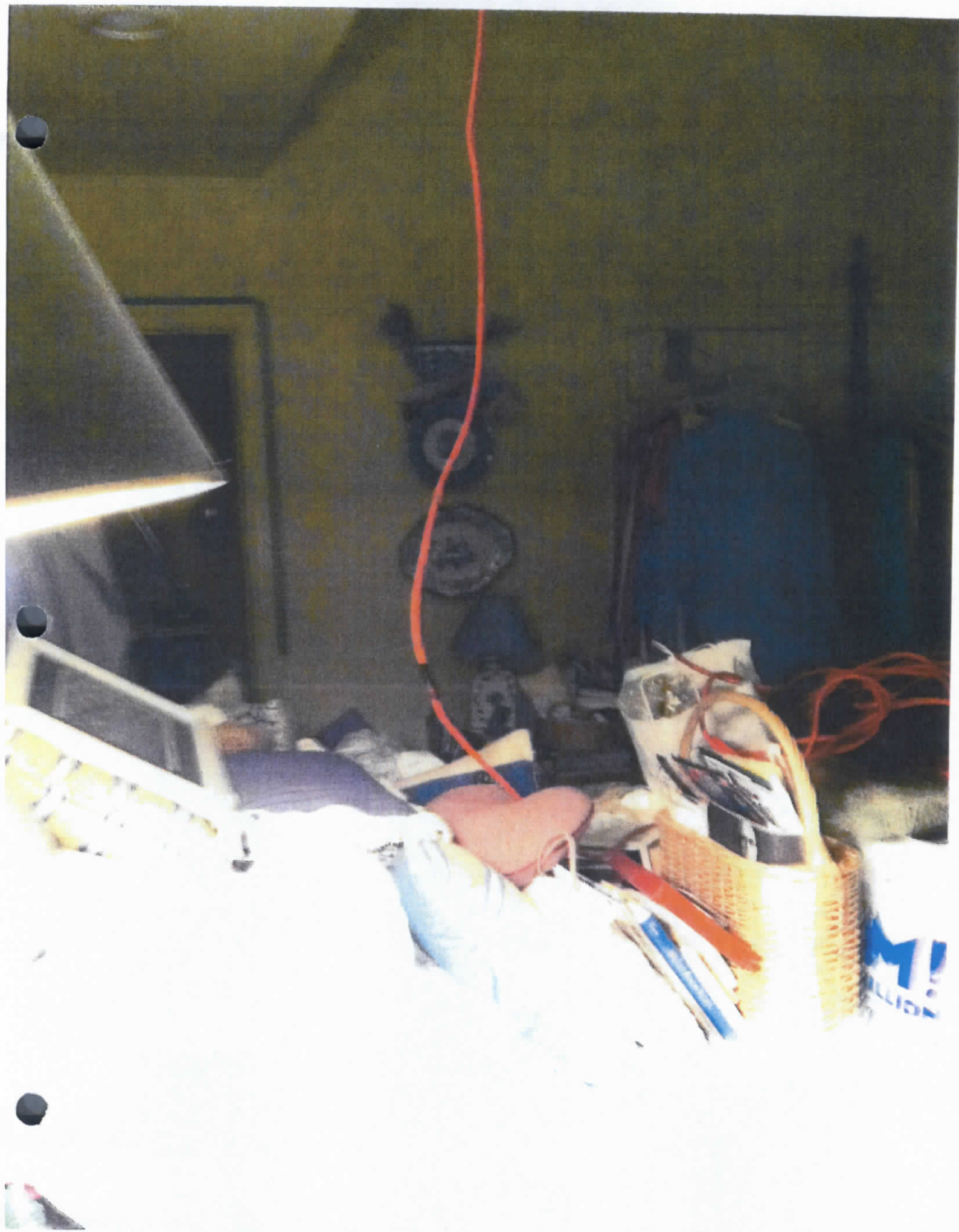




























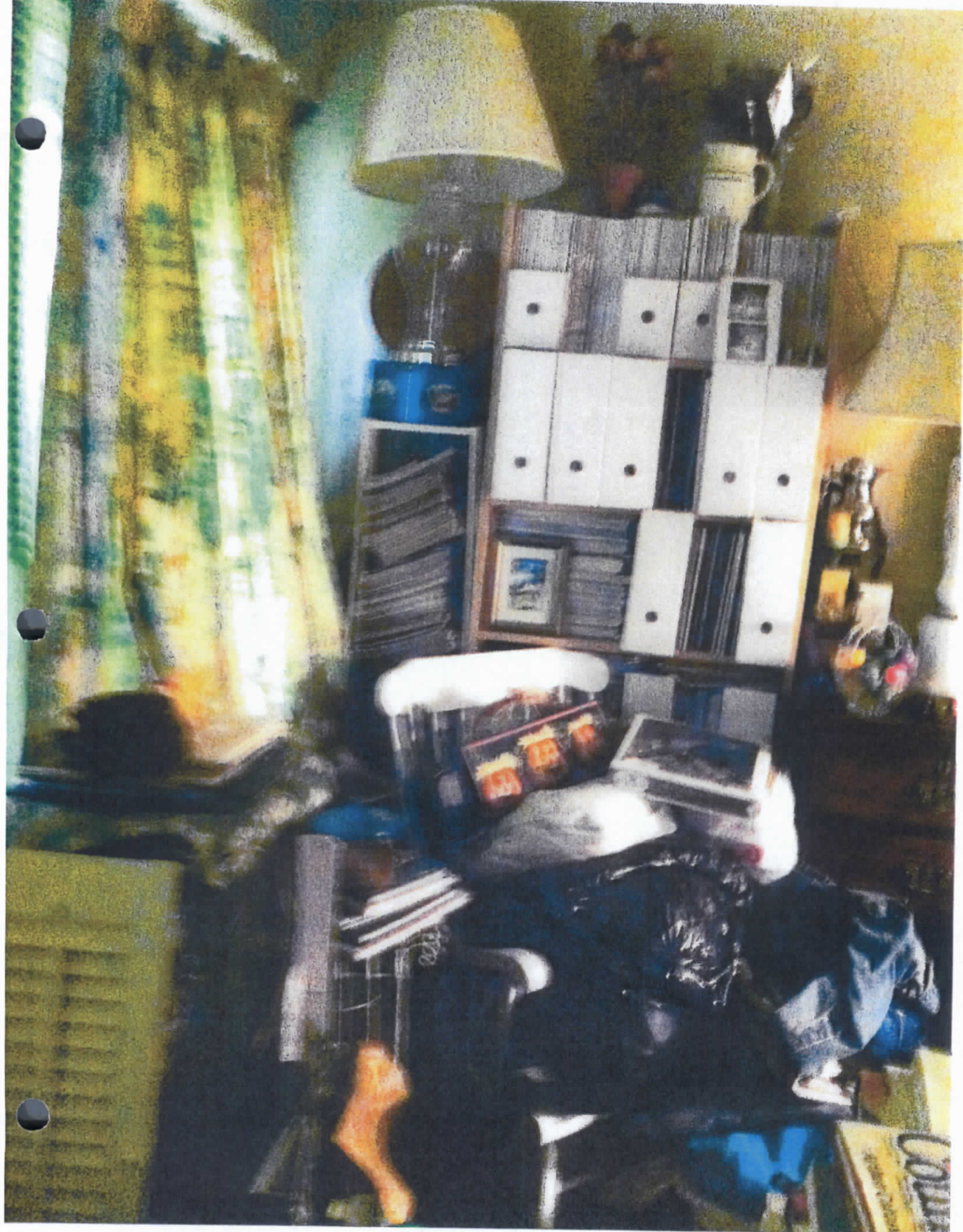




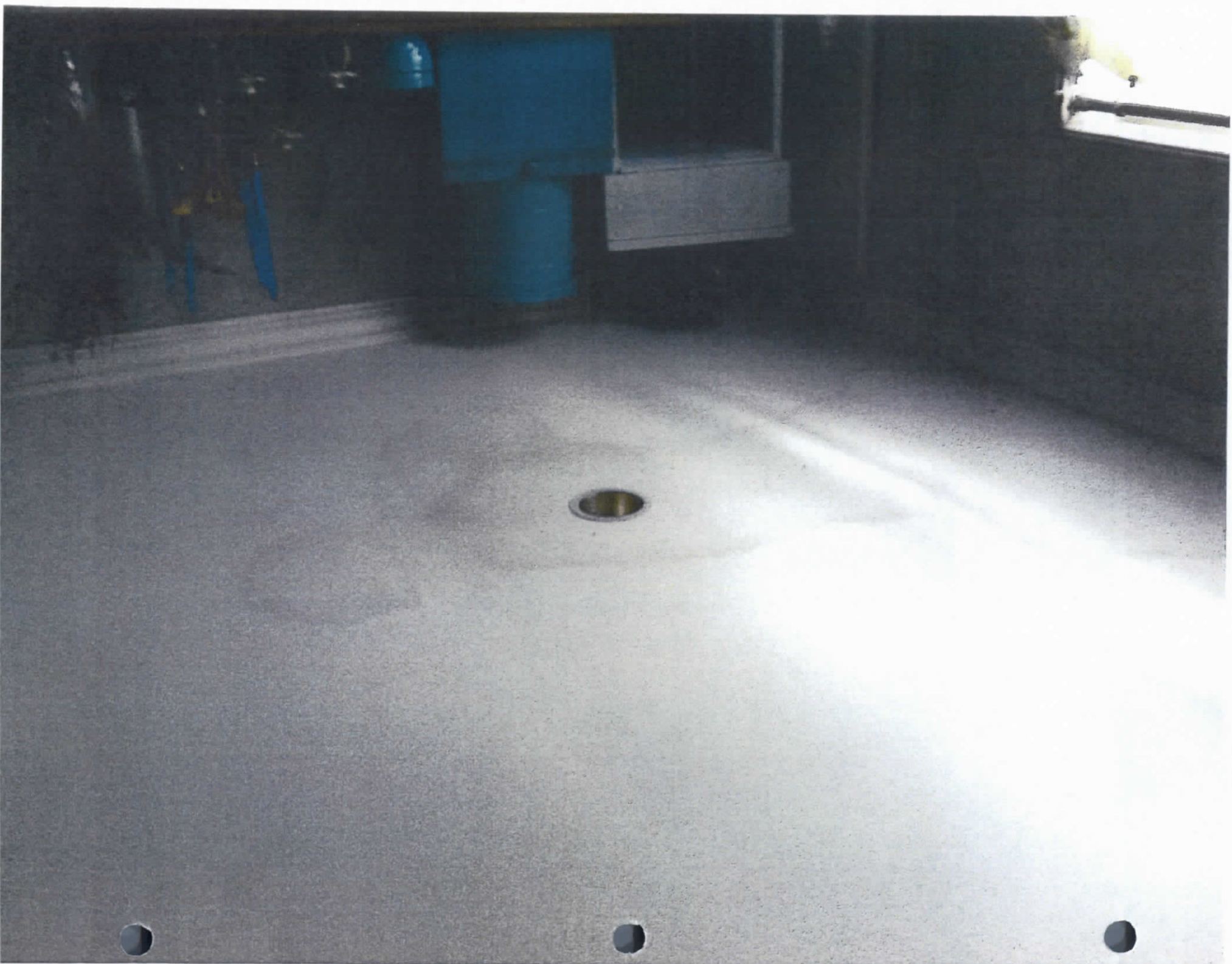


























# **EXHIBIT 5**



Land, Carroll & Blair PC  
ATTORNEYS AT LAW, EST. 1978

H. CARTER LAND, III  
F. ANDREW CARROLL, III  
RICHARD S. MENDELSON  
DUNCAN WARDMAN BLAIR  
MARTIN J.A. YEAGER (VA, DC, & MD)

524 KING STREET  
ALEXANDRIA, VA 22314-3104  
703-836-1000  
FAX 703-549-3335  
WWW.LANDCARROLL.COM

DIRECT DIAL 703-778-1455  
dcarroll@landcarroll.com

September 13, 2013

Mayor William D. Euille  
City Hall  
301 King Street  
Alexandria, Virginia 22314

Re: 813 Green Street

Dear Mayor Euille:

As you are aware, I represent Cecily Crandall and Kathy Tabak. Ms. Tabak is the owner of 811 Green Street and Ms. Crandall is the owner of 815 Green Street. Their homes abut 813 Green Street which is owned by Michael Wargo, a resident of New York. My clients are concerned with the response the City has provided to their concerns over the condition of the Wargo townhome. The following is a history of the property and the City's response to my clients' concerns.

- In 2004, 813 Green Street was the subject of condemnation proceedings by the City. Upon the execution of a fire inspection warrant, numerous interior and exterior violations were discovered. Among other things, the property had excessive fire load. Trash and material measured four feet deep throughout the property which was deemed unfit for human habitation. The property was condemned by Order dated December 16, 2004. Wargo was the owner. The investigator was Code Department Inspector Timothy Lawmaster.
- Numerous complaints about trash, debris and unsafe conditions of the property dating from 1997 have been made by neighbors. In April 2009 neighbors made new complaints which resulted in the issuance of a notice of violation for trash on the premises.
- In April of 2009, it was discovered by Michelle Ward, a Code Inspector, that the Unfit for Human Habitation Case from 2004-2005 was not closed. The case file was missing. Lawmaster advised her that the fire loading had been removed and the house removed from the list. Attempts to secure a copy of the final inspection report failed. I inquired why this report and many other documents were not included in my May 2012 FOIA request response. The paralegal in the City Attorney's Office emailed me on July 18, 2012 that per state law, paper files may be destroyed three (3) years after date of "resolution" of a complaint. It is hard to believe a history of condemnation is allowed to disappear that quickly.



- Ms. Tabak and Ms. Crandall moved into their respective Green Street properties in July of 2009. They were advised by neighbors that they had moved next door to a "vacant abandoned, hoarded house that was likely to be filled with mold". No one had lived in 813 Green Street since 2001 when Mr. Wargo moved to New York. His female friend, Lee Holmen, also left the property in 2003, moving in with Mehmet Elbirlik who resided around the corner. 813 Green Street was in disarray. Both Ms. Crandall and Ms. Tabak heard what sounded like animal scratching sounds within the premises. In mid-late August of 2009, they called the Fire Department and spoke to Asst. Fire Marshal Coates who told them that nothing could be done. Arlington County had been sued for \$50 million for similar issues. The City did not want to be sued. (It should be noted that the "\$50 million lawsuit" was thrown out by the presiding judge.)
- In mid-late August, 2009, Ms. Tabak called Code Enforcement about trash in the front and back of 813 Green Street. Inspector Wil Saavedra contacted her. He indicated that nothing could be done regarding the hoarding as the City could not see inside (blinds always closed). He repeated the City's concern over Arlington County lawsuit. However, he did cite 813 for overgrown bushes, debris in the front yard and structural damage to Ms. Crandall's back fence caused by the 813 fence.
- In early September 2009 Timothy Lawmaster met with Ms. Crandall and Ms. Tabak and shed light on the history of 813, describing the hoarding and the condemnation. The townhouse was filled from floor to ceiling with "stuff." He said that Ms. Holmen had cleaned the house in 2005 and, "upon inspection" the Unfit for Human Habitation designation was removed.
- Inspector Lawmaster returned to inspect the repair to Ms. Crandall's fence. He agreed it was not satisfactory. He also commented hoarders do not stop hoarding and that 813 was likely still hoarded and fire-loaded. He counseled that their best chance for oversight was to persuade the City to place 813 on the Vacant Building Registry. He suggested that my clients contact his "boss" (Mary O'Donnell of the City Attorneys Office) on the process.
- In July of 2010, Ms. Crandall contacted the City Health Dept. to ask for suggestions in eliminating an ongoing mosquito problem in her yard. She was concerned only with her property. She did not make a complaint. Three Health Dept. officials arrived and found no sources of infestation at Ms. Crandall's home. However, the inspectors noticed that there were numerous problems in the yard of 813 which they believed were contributing to mosquito breeding. Blocked gutters which had not been cleaned in years, pooling of water under the front bay window, numerous empty plant pots filled with water and most egregiously, an old plastic trash can that had been sitting behind 813 for years, half-filled with mud and water without a lid on it. The official drained the pots and trash can after their test results showed mosquito larvae in them. The head official told my client that these violations had to be reported to the Code Department. Ms. Crandall begged her not to, as she



was concerned about retaliation from Ms. Holmen and her boyfriend Mr. Elbirlik. However a Health Dept. official called Ms. Crandall later and told her that Wil Saavedra in the Code Dept. had been contacted. Saavedra had told the official that the Health Dept. was not allowed to touch anything on the property at 813 and not do anything more at that location. When Ms. Crandall asked the Health Dept. Official what she wanted to do about the trash can, gutters, etc., the Health Dept. official flatly denied ever having been on the property at 813 and said she and her employees had never turned the pots or trash can over, and went so far as to say that my client, Ms. Crandall, was the one who had turned them over. This untruth was told to Ms. Holmen who called Mr. Lawmaster. He came over immediately to look at the turned over pots. A few days later, Ms. Crandall was in her yard watering when Mr. Saavedra came to 813. Ms. Crandall approached him and asked if he could help by asking the owner of 813 to fix the gutter so water did not pool under the bay window and allow for mosquito breeding. Mr. Saavedra was not cooperative. Ms. Crandall then asked Ms. Tabak to speak with Mr. Saavedra about the gutter trouble on her side of 813. Mr. Saavedra still refused to help. With prodding, he finally agreed to write a notice to correct. Later, when my clients' filed a FOIA request, they found that Mr. Saavedra had written in his notes that "Ms. Crandall requested that the house at 813 Green St. be condemned for mosquitoes". My client never made such a statement/request and was shocked to see that written in official City records. Ms. Crandall requested that the Code Dept. amend the records to remove this inaccurate statement and to reflect what she actually said. John Catlett, Code Director, refused.

- Fall 2010. Kathy Tabak emailed Inspector Lawmaster and Mary O'Donnell several times about the VBR, but received no response. In November 2010, on the recommendation of Mr. Lawmaster, my clients and another neighbor, Gale McConnell, went to the City Attorney's Office and submitted affidavits that 813 Green Street was vacant. Mary O'Donnell met with them and indicated she would contact them if she needed more affidavits. During the meeting, Ms. Crandall advised Ms. O'Donnell of threatening behavior being exhibited by Ms. Holmen presumably because of the complaints. Ms. O'Donnell suggested that she seek a restraining order from the magistrate.
- On December 9, 2010 Mary O'Donnell emailed Ms. Tabak with an apology for taking too long to contact her. She also indicated Mr. Wargo had replied through his attorney, John Williams, that the house was indeed occupied and that he had no intention of registering it on the VBR. The next step would be to issue a violation notice. She further explained that my clients and neighbors would be called to testify in the General District Court. Ms. O'Donnell wrote that she would contact Inspector Lawmaster to issue the ticket.
- During the winter and spring of 2011, Ms. Tabak again emailed both Ms. O'Donnell and Mr. Lawmaster several times about the VBR status. She received nothing substantive until July, 2011 when Ms. O'Donnell sent her a remarkable email. In the email, Ms. O'Donnell asked what facts Ms. Tabak relied upon for her assertion that the property was blighted or a danger.



According to Ms. O'Donnell, a property is not dangerous simply because it is vacant. She claimed that to date no such information had been provided to her. She chided Ms. Tabak that neither she nor her neighbors had evidence that the property was being overwhelmed with hoarded items. She further stated that the City had not issued a civil penalty notice because of difficulty in proving the property was vacant. She added that while Ms. Tabak and neighbors claim that 813 Green Street is vacant, the owner asserts it is occupied. She noted that the vacant building registration is to assure the City has a contact person to resolve issues. Ms. O'Donnell wrote that the City has a contact name for the property. "In fact, within the last six months, City staff have had unannounced contact with the owner's girlfriend at the property which is in obvious conflict with any claim the property is vacant."

This response stunned my clients. Ms. O'Donnell asserted that they had a contact for the property. But there was no indication that Mr. Wargo's female friend lived at 813. My clients had submitted three (3) additional affidavits affirming vacancy and discussed their observations in detail. Yet a letter from the owner's lawyer and interaction with an old girlfriend/female friend received equal or greater weight.

Overlooked by Ms. O'Donnell were the City's own records evidencing the vacancy. Here are examples from Case Records found in a FOIA response:

A. 5/12/2009 (Case #CMP2009-02833) "*Since the property is vacant, I will refer case to Inspector Lawmaster to put in on the vacant list. Inspector Lawmaster was notified of **vacant property**.*" Entry by Saavedra.

B. 9/16/2009 (Case #CMP2009-05522) "*Also discussed the **Vacant Bldg. Program** and right of entry under that program.*" Entered by Inspector Lawmaster after discussion with my clients. Why reference the program if there was no vacancy?

C. 10/27/10 (Case VBR2010-00029) *Appears vacant.* Entry by Lawmaster.

- In the spring of 2011, home inspectors and a master electrician working at the Crandall home noticed a large hole in the common fire-rated wall between her unit and 813. A wire was extending from 813 into 815 through the hole from an unknown source of origin from the floors below. The experts were fearful of the safety of the wire and that 813 could be pulling power from Ms. Crandall's home. They felt certain that the wire, and particularly the penetration of the fire-rated gypsum board, were fire code violations. As her counsel, I emailed a copy of the home inspection report and photo of the firewall penetration and wire to Gregg Fields of Code Administration. He referred the matter to Inspector Paul Abernathy. The City reviewed its records and found no electrical permit for the protruding wire.<sup>1</sup> Mr.

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<sup>1</sup> On the other hand, the City search revealed that an electrician had obtained a permit to install a new electrical panel at my client's residence. Unknown to my client, no post-installation inspection of

Abernathy visited Ms. Crandall's home in November of 2011 but did not inspect the protruding wire and hole in the fire-rated wall from the 813 side to determine the source of the wire. He only inspected the hole and wire from Ms. Crandall's side of the wall. Mr. Abernathy issued a Notice to Correct to Mr. Wargo. Attempts to reach the owner (Wargo) were in vain. Mr. Abernathy mailed and posted notices but received no response. Finally in February, 2012 Wargo contacted the City and agreed to the correction. Mr. Wargo and Mr. Elbirlik used the vague verbiage on the Notice to Correct to determine what the City had requested be fixed likely because Mr. Abernathy/the City did not do a pre-inspection on the 813 side. In late February, Wargo advised the work had been completed. The City tried to schedule an inspection.<sup>2</sup> It was not until March that the inspection occurred but work was not totally completed. Abernathy indicated that another inspection would be done after repairs were dried. The correction has never been made. Mr. Abernathy confirmed that the unit was jammed with stuff but did not consider that was hoarding. He wrote in his report that 813 Green Street is being used for storage, which itself is illegal.

This matter has been left open for almost two years. No action has been taken to ensure the correction has been completed. Despite assurances otherwise, it remains uncorrected. Yet as soon as the failed post-installation of my client's properly permitted electric panel was discovered, the inspection was scheduled and completed. I am sure you can understand how frustrating that is to my clients.

- Summer 2011. My clients made FOIA requests. When Ms. Crandall went to pick up the response she was told by a paralegal of the City Attorneys Office that they just had a meeting about her. (O'Donnell, Dorothy Juchnewicz, Catlett and Lawmaster). She was told there is no longer a Vacant Building Registry and that Ms. O'Donnell would be re-writing the statute and there's nothing they could do for her.

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the panel was performed. Since the permit expired, Mr. Fields let me know that my client would have to have the permit re-issued and the panel inspected. A notice to correct the lack of inspections was issued. A site visit was immediately scheduled to inspect the panel and to view the offending wire. The inspection took place. The inspector Paul Abernathy found the panel to be properly installed.

<sup>2</sup> Work had been done at 813 but the hole with protruding wire was not corrected. There were other problem areas where drywall sections were missing. Ms. Crandall had been able to see the 813 attic through those missing sections. It was packed from floor to ceiling. I explained this to Mr. Abernathy and advised that the correction had not been made. When the people came to make repairs, they needed flashlights throughout the house. With lack of lighting and "stuff" piled everywhere, coupled with the fact that Mr. Abernathy/ the City never inspected the hole/wire on the 813 side prior to issuing the Notice to Correct, they must not have seen it. I explained this to Mr. Abernathy and asked him not to tell Wargo until the inspection as it is important to see in the unit. He commented that "maybe we will find hoarding."



- In September of 2012, I met with Mary O'Donnell regarding 813's vacancy and the need for City action. I explained my concern over the City's apparent reluctance and discussed the mountain of information we possessed proving the property was vacant. Ms. O'Donnell finally agreed to take some action. On or about September 24, 2012, she filed a civil notice against Wargo for failing to register. To assist, on September 26, 2012 I wrote Ms. O'Donnell a detailed summary of the proof. For example, over the course of the three years my clients lived on Green Street, 813 had no heat/air conditioning, no deliveries, no trash pick-up/recycling, no mail service, no lights, no cooking, no perceived running water and no people. For almost two years there was no water service due to an unrepaired burst water pipe. These were only a portion of the items I addressed. Additional neighbor affidavits were provided. I also delivered a letter from the City's own representative, Chief Rodriguez, to Mr. Wargo about the vacancy and the need to register, penned in October, 2010. This letter specified safety measures that must be taken in order to place the property on the VBR. [A similar letter with the same safety measures was sent to Mr. Wargo from John Catlett on August 6, 2013.] On November 11, 2012, a \$250 civil penalty was issued for Wargo's failure to register. While it was paid, Wargo still refused to register.
- Ms. O'Donnell recognized the need for injunctive relief to compel registration. In March of 2013 a complaint was filed in the Alexandria Circuit Court. Wargo's counsel filed what can only be described as a frivolous response and counterclaim.
- During the pendency of the Circuit Court litigation, a client of Wargo's counsel, one Larry Austin, visited 813 with another person. They sat on the back porch. When they departed, the sliding glass rear door was left open. My clients and many neighbors could see into the premises. It was full of property lining the walls from floor to ceiling. My clients' hoarding concerns seemed verified. I spoke to Ms. O'Donnell and sent her photographs taken through the door. The door remained open for a week. I suggested to Ms. O'Donnell that someone from the City should be sent to the property to look inside and determine if everything was okay. To my knowledge no action was taken, despite the City's consistent claimed frustrations that they could not prove hoarding without seeing the interior of 813. This may have been the City's chance. Yet when I showed Ms. O'Donnell the photographs, she lamented that what she observed did not depict hoarding. It was further surprising that she herself did not want to see the open door and interior given that she had filed the complaint in the Circuit Court claiming that the house was vacant. The door left open for a week, including several rainy days, would offer proof of vacancy; the accumulation of items offered confirmation that the house was fire-loaded, as my clients have long suspected.
- Several weeks later in May 2012, Larry Austin was inside 813 trying to decide what could be done with the property. A business acquaintance of Ms. Crandall, a home organizer, observed the interior of 813 with permission of Mr. Austin. Mr. Austin escorted her throughout the house, allowing her to take photographs. The photographs depict a house choked with property. Extension cords throughout, water damage, material piled in front of the furnace, etc. The place was fire-loaded. You have seen the photographs. I emailed Ms.

O'Donnell on May 13, 2013 with the photographs and later provided her hard copies. These photos were also sent by Ms. Crandall to Vice Mayor Alison Silberberg (per her request), who said she forwarded them to Jim Banks.

- Over the next few weeks Ms. O'Donnell communicated with Wargo's counsel, Mr. John Williams. They discussed the photographs. After repeated attempts by the City to gain cooperation, Mr. Williams finally agreed to allow a voluntary inspection of the unit but then failed to respond to every deadline set by Ms. O'Donnell. I encouraged her to get a warrant. We had a disagreement over this matter. She claimed she needed the property owner's consent before an inspection warrant could be obtained.<sup>3</sup> I sent her the pertinent code section and noted that one merely needed to make a reasonable effort to obtain consent. She had done so. To our chagrin, Ms. O'Donnell gave one last deadline. When it was overlooked, Ms. O'Donnell apparently had enough. On June 4, 2013 she contacted me and said she was going to obtain an inspection warrant but needed affidavits from my clients and the organizer who took the second extensive set of photos in May. I spent a great deal of time securing the affidavits, all billable time. I hand-delivered the photos and affidavits to her.
- I was alarmed to learn later that day that Ms. O'Donnell was no longer handling the matter. She had handed it over to Phillip Pugh of Code Administration, who had decided he needed the owner's cooperation. Disappointed and upset, I unsuccessfully urged Mr. Pugh to seek an immediate inspection date.
- A FOIA request revealed that Mr. Pugh had the same difficulties with Mr. Williams and Wargo that Ms. O'Donnell encountered. Chief Pugh first wrote Wargo on June 4 requesting an inspection. He and Mr. Wargo's counsel, Williams, exchanged emails on June 11 agreeing to an inspection on the morning of July 2. At 4 p.m. on Monday, July 1, Williams informed Chief Pugh by email that his client's employment precluded him from being there. They needed to reschedule. Williams claimed to have sent a fax on the prior Friday. An angry Chief Pugh objected. They had never communicated by fax. Nonetheless he agreed to reschedule. Twice Chief Pugh explained to Williams how the inspection would proceed. It would take 30 minutes to one hour. It would consist of a safety inspection to address complaints of hoarding, excessive storage and electrical problems, including the hole in the attic. Smoke detectors were to be in working order and the structure itself accessible. Attending would be two inspectors and Mr. Pugh. If Mr. Williams, attended, Ms. O'Donnell would attend on behalf of the City. The inspection was rescheduled to July 22 at 11:00 a.m. Chief Pugh warned that if the property was not opened for inspection, a warrant would be sought.

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<sup>3</sup> In 2004 the fire inspection warrant was obtained by Mr. Lawmaster based on a letter from the former owner of 815 Green Street after he had seen the interior of 813. There was forcible entry by the City because the owner did not respond to City notifications.



- My clients were watching on July 22, 2013 at 11:00 a.m. when two City Code trucks arrived and parked at the corner of Green St. Inspector Lawmaster exited the first truck got into the second truck with Mr. Pugh and they waited. Lawmaster alone exited the second truck and sought entry to 813. However, no one was present. A hang-tag style notice, already written by Lawmaster, was left on the doorknob at 813 informing Mr. Wargo that they had missed the scheduled inspection and to contact the City to re-schedule. Within less than one hour of Pugh and Lawmaster's departure, Ms. Holmen and her boyfriend, Mehmet Elbirlik, arrived from his house around the corner to remove the hang-tag.
- An unusual set of emails followed. They were sent from Wargo himself to Chief Pugh, Mr. Williams and Ms. O'Donnell. Included were several photos depicting a slightly more orderly kitchen and a clean bathroom. The Wargo email also purported to send an invoice from a "licensed electrician" stating he inspected the electrical system.<sup>4</sup> The emails were sent on July 22, 2013 at approximately 2:30 p.m., 2 ½ hours after the scheduled inspection.
- Lee Holmen, the female friend/ex-girlfriend, entered the property approximately 2:55 p.m. on July 22. Soon thereafter Inspector Lawmaster showed up at 813 Green Street. Ms. Holmen answered the door and let Mr. Lawmanster inside 813. It was approximately 3:00 p.m. How they knew to meet is unknown. What is known is that Inspector Lawmaster and Ms. Holmen entered 813 alone, absent a fire inspector, absent Chief Pugh, absent Mary O'Donnell, and without Wargo or his counsel. Five minutes after entering the premises Lawmaster departed. Ms. Holmen left immediately afterward. I spoke to Mary O'Donnell that afternoon. She told me that according to Inspector Lawmaster, 813 Green St. passed his inspection. She stated his report claimed that there was much property within the house but it was staged in rooms appropriately. I was also advised that the hole with the protruding wire in the attic was repaired. A follow-up inspection was to occur a month later.
- On August 21, 2013 Inspector Lawmaster showed up at 813 Green Street a second time for another inspection. His time within the townhome with Ms. Holmen was again five minutes.

I hope you can grasp the concerns of my clients. 813 Green Street is a formerly condemned and long-term vacant townhouse. Despite all signs that history is repeating itself, the City unfortunately is looking the other way. Chief Pugh was adamant that an inspection warrant would be obtained if the unit was not opened to them on July 22. It was not, yet no inspection warrant was secured. There was to be an inspection with stated goals conducted by at least 3 experts. Instead of the envisioned inspection – a 30 to 60 minute inspection conducted by a Fire and Code Inspector, in addition to Chief Pugh – there was a 5 minute inspection conducted by Inspector Lawmaster in

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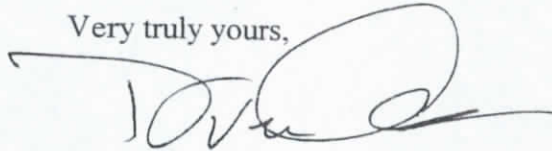
<sup>4</sup> The invoice was faded and difficult to read. What was clear is that it was from a electrical company out of Purcellville, over an hour away. The amount charge seemed to be less than \$100. There was no name listed for the technician. It is debatable whether this is a valid invoice, however, one would expect the City to conduct its own inspection under any circumstances.

the presence of Mr. Wargo's one-time girlfriend. Most importantly, the conditions specified in both Mr. Rodriguez' and Mr. Catlett's letters to Mr. Wargo for the Vacant Building Registry have not been met.

In our recent FOIA request, I asked for reports of the inspections. I received no report for either the July 22 or the August 21 inspection.<sup>5</sup> I asked for photographs taken during the inspection, as one would think that an inspection of this kind would have photographs taken by inspectors. None were provided. It took long for my clients to secure the interest of the City, but the end result seems far less satisfying than it should. My clients feel no more safe, no more protected than before.

Perhaps the City staff members will view the information I have presented as being misleading or incorrect. If that is the case, my clients invite the City to let us know where we are mistaken. In any event, I respectfully request that a meeting be scheduled to thoroughly review what has taken place. Invitees should include you, my clients, myself and all appropriate members of the City Manager's Office, the City Attorney's Office, and Code Administration and Enforcement. I thank you for your consideration and look forward to hearing from you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'F. Andrew Carroll, III', with a large, stylized loop at the end.

F. Andrew Carroll, III

cc: Ms. Cecily Crandall  
Ms. Kathy Tabak

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<sup>5</sup> The FOIA response may have been provided prior to the August 21 inspection.



# **EXHIBIT 6**

# Land, Carroll & Blair<sup>PC</sup>



ATTORNEYS AT LAW  
EST. 1978

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November 4, 2013

Mayor William Euille  
City of Alexandria  
301 King Street  
Suite 2300  
Alexandria, Virginia 22314

*Br*  
Dear Mayor Euille:

I want to thank you for arranging tomorrow's meeting and for meeting with me and my clients, Kathy Tabak and Cecily Crandall, at my law firm on August 26, 2013. In anticipation of the meeting, on behalf of my clients, I am requesting that the below-listed items relating to 813 Green St., Alexandria, Virginia, be addressed in order for my clients to feel safe, satisfied and to be made whole from the long-standing, unresolved problems at Mr. Michael Wargo's property located at 813 Green St. The requested completion date of the unresolved issues is December 24, 2013.

As discussed, the matter of 813 Green St. is a long-standing problem of hoarding and vacancy that led to the condemnation of the property in 2004. While I have been advised that registration has been made, I have been provided no evidence that 813 is actually registered on the Vacant Building Registry (VBR) or that any of the requirements from John Catlett's letter dated August 6, 2013 (or even Robert Rodriguez letter dated October 27, 2010) have been adhered to by the owner of 813, Michael Wargo).

*(Please note: A response to our FOIA request of August 2013 produced Mr. Catlett's letter ostensibly to Mr. Wargo; however, that letter, unlike the Rodriguez letter to Mr. Wargo, was not addressed to anyone and it did not have a subject, case number or case type listed on it as had all other previous letters to the owner. It appeared it was merely a form letter. )*



Despite purportedly being placed on the VBR on July 10, 2013, the property is still filled with stuff and continues to deteriorate. The house has not been properly inspected by City Code Enforcement. Additionally, the attic hole and resulting fire code violation brought to the City's attention with a request for correction in October 2011, still remains. It has not been repaired or inspected and is still in violation of City Fire Codes.

**Outstanding items requested to be resolved by December 24, 2013:**

**I. VBR REQUIREMENTS**

Both John Catlett's & Robert Rodriguez's letters state that the below-listed items must be followed in order to comply with the Vacant Building Registration program and to be in compliance with the Alexandria City Code (CC), the Virginia Maintenance Code (VMC) and/or the Virginia Statewide Fire Prevention Code (SFPC). To date, Michael Wargo/813 has failed to adhere to most, if not all, of the requirements contained in the letters. I emphasize the adherence to the following requirements for both compliance by Mr. Wargo and enforcement by all relevant City Departments. According to the letters and as required by Code, the owner of a vacant home, in this case Mr. Wargo, is required to "maintain the exterior of the building while it is vacant..." to include also include the following:

- "Grass and weeds shall not exceed 12 inches in height on the property or along public sidewalk, curb lines and within tree wells w/in 12 feet of the front of the property line (CC 5-9-3)".
- "Snow and ice will be removed from the public sidewalk abutting the premises within 24 hours of the last snowfall (CC 5-5-21)".
- "Provide proof of active rodent and insect abatement and prevention measures for the interior and exterior of the property at the time of registration and ensure that such measures remain in place for the duration that the building is vacant (CC 11-6-5-21 and VMC 308.1)".
- Accumulation or storage of trash, waste, or debris - regardless of whether generated by the property or dumped by others onto the property - shall be removed from the property (CC 11-13-4).
- Building must remain secure against unauthorized entry or becoming a public nuisance (VMC 201.3 & SFPC 3133.1).
- Exterior envelope of the building must be maintained in a structurally sound and water-tight condition. Broken windows, doors, roof, gutters, down-spouts, etc. must remain in sound condition and function as intended. Peeling paint must be removed and the wood must be weather coated to prevent the entry of water (IPMC 304).

- Installed fire prevention/suppression systems (fire sprinklers, fire alarms and standpipes) must be maintained in operable condition unless permission is obtained from this office to place them out-of-service. All combustibles (furniture, clothing, trash, debris, boxes, storage, etc.) must be removed from the building before permission will be considered (VSFC 311.2.2).
- As stated: "Once the building enters the vacant building registration program, an initial interior and exterior inspection shall be conducted to ensure that the above conditions are met. Annual inspections will be conducted if the building remains vacant after the initial twelve month period."
- As stated: "...Staff may conduct pro-active inspections and/or respond to complaints received against the property."

## II. ADDITIONAL OUTSTANDING REQUESTS

Because of the failure to appropriately address my clients' longstanding pleas for assistance and the dangers inherent in the history of hoarding and vacancy at 813 Green Street, my clients insist that the following actions be taken by the City:

- A. Provide a copy of the Vacant Building Registration, VBR number, and a copy of the check Mr. Wargo submitted for payment on July 2 (or 10th), 2013.
- B. Attend to the attic hole: Pre-Inspection and repair followed by Post-Inspection as required to meet Fire Code regulations (see above).
- C. Repair of the Back Yard Fence to meet Code and BAR regulations as brought to the City's attention in September 2009 w/no resolution.
- D. Address the Front Yard Gutter/Water Drainage issue w/resulting severe mosquito infestation. (Health Code violation). Standing water is being absorbed by the brick on the front of the house at 813/815 property line which may lead to structural damage to both properties. This issue was brought to the City's attention in July 2010.
- E. Completely clear out the property inside and outside 813 Green St. or immediately legally change the Usage to S-Storage. It is an illegal change of use to have 813 used as a storage facility -- going from R-5 (Residential Townhome) to S-Storage (storage facility). This was noted by Paul Abernathy of the City in his March 2010 notes.
- F. Require that a property manager or caretaker constantly monitor the interior and exterior of property.

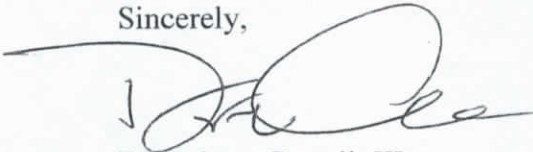


- G. Turn off all utilities.
- H. Require that any future inspections of 813 have a third party present at all times.
- I. Create and implement a program addressed at ensuring that there is no future hoarding and that VBR regulations are complied with. The program must also address damages suffered by abutting properties for violations that are Code/BAR violations under the jurisdiction of the City.
- J. City documents on hoarding employ various "team members" such as the Health Dept., Adult Protective Services, Fire Department etc., to address hoarding concerns. Team members are used to educate the hoarder/owner. Such training is essential in this case as the owner of 813 does not recognize the problem and the impact it has on neighbors, e.g safety, quality of life, property values. This "team" involvement and education should be part of the program.

Because of the lack of trust generated by the actions or lack thereof taken by the City staff to date, it is recommended that my clients not be required to interface with the City staff members who have been engaged in these matters to date. A fresh perspective would better for all.

My clients and I again thank you for your consideration of this matter.

Sincerely,



F. Andrew Carroll, III

cc: Ms. Kathy Tabak  
Ms. Cecily Crandall